

**City of Reading City Council
Regular Business Meeting
Monday, July 11, 2011**

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Quentin Wallace, St. Matthew United Methodist Church.

All present pledged to the flag.

ATTENDANCE

President of Council Spencer
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor T. McMahon
Administrative Services Director J. Nagel
Sergeant at Arms Captain R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Recognition of Berks Best Seniors
 - Angelise Stuhl – Communications
 - Timothy Wood – Fine Arts and Science/Environment
 - Paula Beltran - Business

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council on agenda matters. He reminded the citizen about the public speaking rules.

Otis Smith, of South 18th Street, asked Council to consider the opinions of those who reside in the Pendora Park area and are opposed to the addition of a recreation center in this park. He stated that this park is in a preservation zoning district and he noted that the deed restriction prohibits this type of structure on this park land. He expressed the belief that the proposed project will have a negative impact on the surrounding neighborhood.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He stated that the Resolution on the Consent Agenda regarding the paving project will not be considered as all the required paperwork has not been provided.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the agenda for this meeting, including Resolutions 103, 105 and 106-2011 on the Consent Agenda.

Consent Agenda Legislation

Resolution 103- 2011 – authorizing the disposition of records of the Community Development Department as attached (**Community Development**)

Resolution 104-2011– North 6th Street Paving Project (Public Works) *To be distributed Monday*

Resolution 105-2011 – authorizing the conditional offers of employment for up to 15 officers from the attached list of probationary officers (Police) *To be distributed Monday*

Resolution 106-2011- authorizing the disposition of the following public records in Human Resources - City of Reading miscellaneous payroll printouts from 1996 thru and inclusive of 2006 (Human Resources)

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting, covering the following:

- Thanks to the Gilmore Henne Foundation and Reading Beautification for the transformation of Barbey's Playground.
- Flower Boxes of Love program in the Ricktown area.
- Summer camp program for youth at the Goggleworks.
- A public hearing on the R6 train project is scheduled for August.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- Review of the City's Pension Program which serves 112 retired firefighters, 249 retired policemen and 302 Officers and Employees.
- Receipt of a \$63,800—grant to fund the Mayor's Against Illegal Guns program

- Decrease in property tax collection (86.8%), down from the percentage collected in 2009 and 2010.

ORDINANCES FOR FINAL PASSAGE

Bill No. 30-2011 - authorizing the Mayor to execute the lease between the City of Reading and the County of Berks for premises within parcel number 23531702762194 (approx. 6,000-10,000 +/-sq. ft.) situate in Lower Alsace Township, County of Berks, Pennsylvania for the development, erection and operation of a public safety radio system
(Law) Introduced at the June 27 regular meeting

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 30-2011.

Council President Spencer stated that if approved the City will be authorizing a lease agreement allowing the County to install a new communications tower on the Fire Tower grounds, a City owned property located in Lower Alsace Township. The County has received a zoning permit for the tower from Lower Alsace.

Commissioner Barnhardt explained that a federal mandate requires the replacement of communications equipment by January 2013. The installation of the tower is part of that mandate. He stated that this is a zero cost arrangement. The City allows the County to have the tower on its property and the County allows the City to have its police tower on the court house.

Bill No. 30-2011 was enacted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President– 5

Nays: None - 0

Bill No. 31-2011 - amending the Codified Ordinances of the City of Reading, Chapter 1 Administration and Government, Part 5 Boards, Departments, Commissions, Committees and Councils, Part C Human Relations Commission **(Law/Human Relations Commission)**
Introduced at the June 27 regular meeting

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 31-2011.

Council President Spencer explained that this ordinance amendment will reduce the number of Commissioners to seven (7) from nine (9) and adjusts the language as required by the federal government.

Bill No. 31-2011 was enacted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President – 5

Nays: None - 0

C. Bill No. 32-2011 - amending the 2011 City of Reading Full Time Position Ordinance by creating one (1) Project Accountant/Financial Specialist, adding one (1) Wastewater Treatment Plant Utilities Engineer, creating two (2) Industrial Mechanics, creating two (2) Maintenance Worker III-Electrical/Mechanical Positions, and eliminating four (4) Maintenance Worker III positions **(Man Dir) Introduced at the June 27 regular meeting**

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 32-2011.

Council President Spencer stated that these adjustments were requested for the Wastewater Treatment Plant. Mr. Nagel stated that the positions will be covered by the Sewer Enterprise Fund, not the General Fund.

Bill No. 32-2011 was enacted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President– 5

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - authorizing the Mayor to execute the Agreement of Cooperation between the City of Reading and the Reading School District for the joint support of a Recreational and Educational Program and creation of the Reading Recreation Commission **(Law)**

B. Ordinance - amending the 2011 City of Reading Full Time Position Ordinance to reflect the changes made necessary by the current collective bargaining agreement for the Department of Fire and Rescue Services **(Fire/Council Staff)**

C. Ordinance - directing the Berks County Board of Elections to place a referendum question before City voters on the 2011 primary ballot which would amend the City of Reading Home Rule Charter by changing the qualifications of the City Auditor **(Council Staff)**

D. Ordinance - amending the 2011 City of Reading Full Time Position Ordinance by decreasing the number of Property Maintenance Supervisors and increasing the number of Property Maintenance Inspectors within the Community Development Department, Codes Division **(Codes/Council Staff)**

E. Ordinance - authorizing the Mayor to execute the agreement between the City of Reading and the Community Prevention Partnership for the coordination of the Weed and Seed Program **(Law/Mayor)**

F. Ordinance - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendora Park (**Law/Mayor**)

G. Ordinance – amending the Housing Permit Ordinance relating to capacity to rent (Law)
WITHDRAWN BY THE LAW DEPT.

RESOLUTIONS

Resolution 70-2011 – authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to move \$450,000 in CDBG unprogrammed funds to the 2011 Microenterprise Development Activity (Community Development) *Tabled at the May 9, May 23, June 13 and June 27 regular meetings*

Councilor Waltman moved, seconded by Councilor Reed, to table Resolution No. 70-2011.

Resolution No. 70-2011 was tabled by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President – 5

Nays: None – 0

Resolution 84-2011 - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination (Law/Community Development) *Tabled at the May 23 June 13 and June 27 regular meetings*

Councilor Waltman moved, seconded by Councilor Reed, to table Resolution No. 84-2011.

Resolution No. 70-2011 was tabled by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President – 5

Nays: None – 0

Resolution 92-2011 - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to add the Ricktown neighborhood component to the Neighborhood Housing Services of Greater Berks, Inc. Major System owner occupied residential rehabilitation activity. NHS will spend part (up to 50%) of the CDBG funding in the Ricktown neighborhood and make the program available to persons of any age in the Ricktown neighborhood (**Community Development**) *Tabled at the June 27 regular meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to adopt Resolution No. 92-

2011.

Resolution No. 92-2011 was adopted by the following vote:

Yeas: Marmarou, Sterner, Waltman, Spencer, President – 4

Nays: Reed – 1.

Resolution 107-2011- authorizing the public release of the results of the Sewer Investigation, authorized by Bill No. 3-2011 and amended by Bill No. 20-2011 as attached in the Findings of Facts and Conclusions (**Council Staff**)

Councilor Waltman moved, seconded by Councilor Reed, to table Resolution No. 70-2011.

Resolution No. 107-2011 was tabled by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President - 5

Nays: None - 0

Resolution 108-2011 – appointing Elsayed Elmarzouky to the Police Civil Service Board (**Admin Oversight**)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution No. 108-2011.

Councilor Marmarou noted the merits of the candidate and his focus on the need for diversity within the police department. Councilor Reed echoed Councilor Marmarou's thoughts.

Resolution No. 108-2011 was adopted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman, Spencer, President - 5

Nays: None - 0

Resolution 109-2011 – appointing James Reber to the Citizen's Advisory Board (**Admin Oversight**)

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolution No. 109-2011.

Councilor Reed and Sterner noted the willingness of Mr. Reber to volunteer in various capacities to assist the City. Councilor Sterner also stated that he recommends the appointment of this District 3 candidate.

Resolution No. 109-2011 was adopted by the following vote:

Yeas: Acosta, Marmarou, Reed, Sterner, Spencer, President – 5

Nays: None – 0

COUNCIL COMMENT

Councilor Reed noted the untimely passage of Deputy Sheriff Kyle Pagerly and expressed sympathy to his family and colleagues.

Councilor Waltman described the transformation that occurred at Barbey's Playground over the past weekend through the Gilmore Henne Foundation and Reading Beautification. He also noted the work of the community to take part in this project.

Councilor Sterner congratulated Ms. Stuhl for her accomplishments and thanked Mr. Smith for offering his comments about Pendora.

Mayor McMahon stated that he supports the proposed Pendora-Olivet partnership. He stated that residents who oppose this project need to reconsider due to the positive this project will have on city youth.

Council President Spencer noted the need for citizens to obey the City's quality of life ordinances such as littering and noise regulations. He also noted the need for citizens to have respect for other people and for property.

Council President Spencer reminded the City Auditor of the need for his quarterly compliance report on the newly adopted financial policies. The Auditor stated that he will have this information in an upcoming report.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Marmarou moved, seconded by Councilor Waltman, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk